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U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: _____
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

THE STATE OF UTAH, *ex rel.* MARK L.
SHURTLEFF, in his capacity as ATTORNEY
GENERAL OF THE STATE OF UTAH,

Plaintiff,

- vs -

R.J. REYNOLDS TOBACCO COMPANY, *et al.*,
Defendants.

**ORDER GRANTING PARTICIPATING
MANUFACTURERS' MOTION TO COMPEL
ARBITRATION AND TO DENY OR, IN THE
ALTERNATIVE, STAY ALL PROCEEDINGS
ON THE STATE'S MOTION TO ENFORCE
THE MSA**

Case No. 2:96-CV-0829

Judge Dee V. Benson

The Court, having reviewed and considered the parties' written and oral arguments,
grants Defendant Original Participating Manufacturers' Motion to Compel Arbitration and to

Deny or, in the Alternative, Stay all Proceedings on the State's Motion to Enforce the MSA and certain Subsequent Participating Manufacturers' Joinder in that Motion. As the Court explained at the close of the December 8, 2006 hearing on the motion, arbitration of the parties' dispute concerning the 2003 NPM Adjustment, including the issue of the State's diligent enforcement, is required by the plain and unambiguous language of the Tobacco Master Settlement Agreement's arbitration clause, MSA § XI(c). Therefore, pursuant to the Federal Arbitration Act, 9 U.S.C. § 3, the parties' dispute concerning the 2003 NPM Adjustment is hereby stayed in this Court until such arbitration has been had in accordance with the terms of the MSA.


DATED this 15th day of Dec., 2006.

BY THE COURT:


Honorable Dee V. Benson

Approved as to Form:

STATE OF UTAH
MARK L. SHURTLEFF
Utah Attorney General


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